

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CIRON B. SPRINGFIELD,

Plaintiff,

v.

ROBERT BURTON,

Defendant.

No. 2:22-cv-0568 AC P

ORDER

Plaintiff, a state prisoner, is proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has filed an in forma pauperis affidavit in which he states that as of May 20, 2022, he had \$3,205.07 in his prison trust fund account. ECF No. 5 at 4.


In order to commence an action, plaintiff must either pay both the \$350.00 filing fee and the \$52.00 administrative fee for a civil action or file an application requesting leave to proceed in forma pauperis.¹ See 28 U.S.C. §§ 1914(a), 1915(a). The court may authorize the commencement of an action “without prepayment of fees and costs or security therefor, by a person who submits an affidavit . . . that [he] is unable to pay such fee or give security therefor.” 28 U.S.C. § 1915(a). The amount in plaintiff’s prison trust fund account shows that plaintiff is

¹ If leave to file in forma pauperis is granted, plaintiff will still be required to pay the \$350.00 filing fee but will be allowed to pay it in installments. Litigants proceeding in forma pauperis are not required to pay the \$52.00 administrative fee.

1 able to pay the filing fee and costs. Thus, plaintiff has made an inadequate showing of indigency.
2 See Olivares v. Marshall, 59 F.3d 109, 112 (9th Cir. 1995); Alexander v. Carson Adult High Sch.,
3 9 F.3d 1448, 1449 (9th Cir. 1993). Plaintiff will therefore be granted twenty-one days in which to
4 submit the appropriate filing fee to the Clerk of Court. Plaintiff is cautioned that failure to pay
5 the fee will result in a recommendation that the application to proceed in forma pauperis be
6 denied and the instant action be dismissed without prejudice.

7 Accordingly, IT IS HEREBY ORDERED that, within twenty-one days from the date of
8 this order, plaintiff shall submit the appropriate filing fee.

9 DATED: June 14, 2022

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11 ALLISON CLAIRE
12 UNITED STATES MAGISTRATE JUDGE
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